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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: VARRIANO-MARSTON, Elizabeth

Group Art Unit: 1772

Serial No. 09/877,757

Examiner: Patterson, Marc

Filed: 06/08/2001

Atty. Dkt. No: MARS93-DIV

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Date: 04/06/2005

[ *Debra A. Stengel* ] Debra A. Stengel or [ ] Scott J. Asmus, Reg. No. 42,269

Dear Honorable Commissioner:

**INFORMATION DISCLOSURE STATEMENT**

Applicants submit this statement, the attached 2 sheet(s) of form SB08A and/or SB08B, and 8 references and other information, in accordance to the duty of disclosure under 37 C.F.R. §§1.56, 1.97, and 1.98. Pursuant to 37 CFR 1.98 (a)(2)(i) applicant has not transmitted herewith copies of cited U.S. Patents and U.S. patent application publications. Please enter these patents into the file along with the following remarks.

Compliance with 37 C.F.R. §1.97(b)(4): This Information Disclosure Statement is filed before the mailing of a first Office action after the filing of a Request for Continued Examination (RCE) under § 1.114. No fee or certification is required.

Information Cited: The Applicants hereby make of record in the above-identified application, the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the reference. As all the references listed on attached Form PTO-1449 are in English, no commentary is required.

Remarks: A copy of each reference, together with a listing on Form PTO-1449(modified), is submitted herewith. Applicants respectfully request that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 (modified) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application; and

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicants make no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

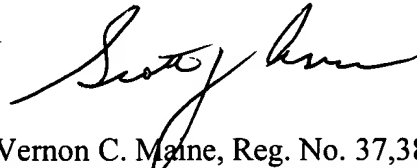
By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined in 37 C.F.R. §102.

Notwithstanding any statement by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

Favorable action is solicited.

Respectfully submitted,



Vernon C. Maine, Reg. No. 37,389  
Scott J. Asmus, Reg. No. 42,269  
Andrew P. Cernota, Reg. No. 52,711  
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Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for form 1449/PTO

(Use as many sheets as necessary)

Sheet	1
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1

of 2

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**Complete if Known**

Application Number	09/877,757
Filing Date	06/08/2001
First Named Inventor	VARRIANO-MARSTON
Art Unit	1772
Examiner Name	PATTERSON, Marc
Attorney Docket Number	MARS93-DIV

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

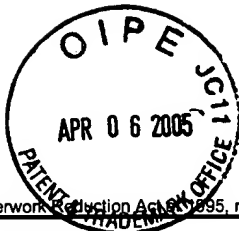
FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		JP 9-98658	04-15-1997	Dainippon Printing Co		
		JP H5-168398	07-02-1993	Sumitomo Chemical Co		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	09/877,757
Filing Date	06/08/2001
First Named Inventor	VARRIANO-MARSTON
Art Unit	1772
Examiner Name	PATTERSON, Marc
Attorney Docket Number	MARS93-DIV

Sheet	2	of	2
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**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		EMOND, Jean-Pierre, et al., Effects of Package Physical Properties on Gas Concentration Profiles in MA Packaging, American Society of Agricultural Engineers meeting, Dec 18-21 1990, 18 pages	
		VARRIANO-MARSTON, E., Technical challenges in commercializing controlled atmosphere packaging, Tappi Journal, June 1989, pp 111-113, vol. 72, no. 6	
		VARRIANO-MARSTON, E., et al., Controlled Atmosphere Packaging of Produce, Produce Marketing Almanac, 1987, pp 23-29	
		EMOND, J. P., et al., Mathematical Modeling of Gas Exchange in Modified Atmosphere Packaging, Transactions of the ASAE, 1991, pp 239-245, vol. 34, no. 1	
		ZAGORY, Devon, An Update On Modified Atmosphere Packaging of Fresh Produce, Packaging International 117, April 1998, 5 pages	
		FISHMAN, Svetlana, et al., Mathematical Model for Perforation Effect on Oxygen and Water Vapor Dynamics in Modified-Atmosphere Packages, Journal of Food Science, 1996, pp 956-961, vol. 61, no. 5	

Examiner Signature		Date Considered	
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1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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